

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	SACV 08-0659 AHM (VBKx) CV 08-3871 AHM (VBKx) CV 08-3873 AHM (VBKx) CV 08-3874 AHM (VBKx) CV 08-3875 AHM (VBKx) CV 08-3882 AHM (VBKx) CV 08-3891 AHM (VBKx)✓ CV 08-3929 AHM (VBKx)	Date	March 23, 2009
Title	JEFFREY KLEIN v. AVIS RENT A CAR SYSTEM INC., et al. ZACK MILLER v. BUDGET RENT A CAR SYSTEM, INC., et al. ZACK MILLER, et al. v. ENTERPRISE LEASING COMPANY-WEST, et al. ZACK MILLER v. VANGUARD CAR RENTAL USA, INC., et al. ZACK MILLER v. DTG OPERATIONS, INC., et al. VULCANO TARQUE v. NATIONAL RENTAL CAR FINANCING CORP., et al. ANDREW L. WOOLF v. COAST LEASING CORP., et al. ZACK MILLER, et al. v. THE HERTZ CORPORATION, et al.		

Present: The Honorable	A. HOWARD MATZ, U.S. DISTRICT JUDGE
Stephen Montes	Not Reported
Deputy Clerk	Court Reporter / Recorder
Attorneys <b>NOT</b> Present for Plaintiffs:	Attorneys <b>NOT</b> Present for Defendants:
	Tape No.

**Proceedings:** IN CHAMBERS (No Proceedings Held)

Eight putative class actions challenging certain aspects of the sale of rental car insurance in California have been filed in this Court. The cases are nearly identical in numerous respects: they are comprised of the same or substantially similar and related claims; the putative classes in all of the cases are comprised of purchasers of car rental insurance from the defendants; the operative complaint in all the cases is the first amended complaint; Zack Miller is a named plaintiff in five of the cases; in the majority of the cases the plaintiffs allege similar bases for their standing; the plaintiffs' attorneys in all eight cases are the same, with a few minor exceptions; and the defendants in three of the cases are represented by the same attorneys. To avoid confusion, the Court will refer to these cases by the names of the principal defendant.

Defendants in seven of these actions have filed nearly identical motions to dismiss the second amended complaints, some of which also seek to strike portions of the second

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amended complaints. In the majority of the cases the defendants' arguments for why the actions should be dismissed or portions of the second amended complaints should be stricken are identical or substantially similar.

Pursuant to the Court's inherent power to adjudicate civil actions efficiently, the Court will first adjudicate the motion defendants filed in *Zack Miller v. Vanguard Car Rental USA, Inc., et al.*, CV 08-3874 AHM (VBKx) ("the *Vanguard* action"). On the Court's own motion, the Court hereby takes OFF-CALENDAR and UNDER SUBMISSION the pending motion to dismiss<sup>1</sup> in the *Vanguard* case. The parties will be notified if a hearing is necessary.

All pending motions in the six other car rental insurance cases where motions were made are hereby VACATED.<sup>2</sup> Defendants in those cases will be deemed to have joined in the Rule 12 motion in the *Vanguard* action, and in the reply to Plaintiff's opposition to that motion. Further, defendants in the remaining case, *Andrew Woolf v. Coast Leasing Corp., et al.*, shall not file any Rule 12 motions until the resolution of the *Vanguard* motion.

<sup>1</sup> CV 08-3874, Docket No. 35.

<sup>2</sup> CV 08-0659, Docket No. 19; CV 08-3871, Docket No. 15; CV 08-3873, Docket No. 38; CV 08-3875, Docket No. 28; CV 08-3882, Docket No. 27; CV 08-3929, Docket No. 35.

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The Court has chosen to adjudicate the *Vanguard* motion first because the *Vanguard* complaint and motion are representative of the majority of issues raised in the other cases, and *Vanguard* is represented by the same attorneys who represent *Enterprise* and *National*.

The Court anticipates that its ruling on the *Vanguard* motion will apply to the other motions that were filed. If the Court dismisses some claims with leave to amend, then all second amended complaints having comparable allegations also will have to be amended. If the Court dismisses claims with prejudice, then all those claims would have to be dropped in the other cases too.

After the pleadings have been settled, the Court intends to consolidate all these cases for the purposes of class certification. Initially, at least, there will probably be just one certification motion that the Court will entertain, and the ruling on it will serve as the equivalent of a “test ruling.” The Court likely will allow or require other defense counsel to assist the test case defendant’s counsel in opposing the motion.

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Finally, the Court also takes OFF-CALENDAR and UNDER SUBMISSION Plaintiffs' pending motions to file a third amended complaint.<sup>3</sup> The third amended complaints re-allege the claims in the second amended complaints, and add a third claim and prayer for relief. In order to preserve judicial resources, the Court will first decide the pending motion to dismiss, and will then turn to the motions to file a third amended complaint.

Initials of Preparer

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<sup>3</sup> CV 08-0659, Docket No. 18; CV 08-3871, Docket No. 14; CV 08-3873, Docket No. 47; CV 08-3874, Docket No. 40; CV 08-3875, Docket No. 29; CV 08-3882, Docket No. 32; CV 08-3891, Docket No. 32; CV 08-3929, Docket No. 38.